

STATISTICS AND REGISTRATION SERVICE ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 2: Registration Service

Section 68 Establishment of Registrar General as corporation sole

245. Before the commencement of this Act, the rights and liabilities of the Registrar General for England and Wales were the responsibility of the office-holder. This section establishes the Registrar General for England and Wales as a corporation sole. The effect of this is to separate the rights and liabilities of the post of Registrar General from the office-holder.
246. It also provides for perpetual succession of those rights and liabilities between office holders, as a change of office holders would have no legal significance in contractual terms. The section also confirms that the Registrar General discharges his functions on behalf of the Crown and that the Registrar General is not a civil servant (although this would not prevent a civil servant being appointed as Registrar General).

Section 69 Employment status of officials

247. Prior to the commencement of this Act, as statutory officers the 1,700 registrars and superintendent registrars in England and Wales had no legal employer and no recourse to employment tribunals.
248. This section provides for superintendent registrars, registrars and their respective deputies appointed under the *Registration Service Act 1953* to become employees of the local authority that appointed them. It also provides for existing terms and conditions and pension rights to remain unaffected by the change of status and gives continuity of service for unfair dismissal and redundancy purposes. Existing responsibilities under the Registration Acts are unaffected.
249. *Subsections (3) and (4)* respectively provide for the retention of existing terms and conditions and the transfer of liabilities when these office holders transfer to local authority employment.
250. *Subsection (5)* provides that a person who was an office holder or a local authority employee for a period before the date of transfer should be regarded as having been in continuous employment.
251. *Subsection (6)* provides that where an office holder was a member of a specified pension scheme he continues to belong to that scheme when he becomes a local authority employee.

Sections 70 to 72 Minor amendments to the Registration Service Act 1953

252. These sections make certain minor amendments to the *Registration Service Act 1953*. These are largely consequential to the change of registrars' employment status. They also remove certain powers currently vested in the Registrar General, including the power to remove registrars from office.
253. *Section 70* contains amendments to the *Registration Service Act 1953* consequential to the transfer of registrars and superintendent registrars into local government employment. The amendments remove the right of the Registrar General to dismiss registrars and superintendents. They also remove the need for registrars to account to the Registrar General for the registration fees they collect, as after they become local authority employees, they will be accountable to the local authority.
254. *Section 71* removes the current provision whereby superintendent registrars and registrars can appoint their own deputies and places the responsibility for the appointment of all deputies on the local authority.
255. *Section 72* removes the power under which the Registrar General or superintendent registrars may appoint new registrars of marriage.